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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,819	07/09/2002	Axel Susen	2345/147	6553
26646	7590	07/13/2005		
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			EXAMINER	
			RAMAKRISHNAIAH, MELUR	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/786,819	SUSEN ET AL.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 April 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 16-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 16-25 is/are allowed.
 6) Claim(s) 26-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassenyemukasa et al. (US PAT: 5,623,539, hereinafter Bassenyemukasa) in view of Gainsboro (US PAT: 5,926,533, filed 10-4-1996) and McMahan et al. (US PAT: 5,717,743, hereinafter McMahan).

Regarding claim 26, Bassenyemukasa discloses a communication network comprising: a calling line and a called line, the calling line and called line being of a fixed network (fig. 1), a technical means for establishing a communication connection between the calling line and the called line, an accessing means for accessing a data line via which a first voice signal is at least partially transmitted between the calling line and the called line, the screening means being configured to record the first voice signal transmitted by the calling line, a memory (40, fig. 1) in which reference data record is stored, the reference data record containing voice sample of a person having access authorization to the calling line, a control unit (10, fig. 1) having voice recognition unit (reads on 60/65/70, fig. 1) configured to access memory for the stored reference data record, analyze the recorded first voice signal using voice recognition algorithms, and determine if the first voice signal belongs to the person having access authorization to the calling line by comparing the recorded first voice signal with the stored reference

data record, the control unit configured to initiate production of an interrupt signal to interrupt the communication connection if the voice recognition unit determines that the first voice signal does not belong to the person having access authentication to the calling line (fig. 1, col. 2, line 23 – col. 3, line 47; col. 4 lines 51-57 and fig. 5).

Bassenyemukasa differs from the claimed invention in that he does not teach the following: using mobile telephony line, and if the voice recognition unit determines that voice signal does belong to the person having access authorization to the calling line then the accessing means records a voice sample at regular time intervals during the entire communication connection, the voice recognition unit determining whether the voice sample belongs to a person having access authorization to at least one calling line and called line.

However, McMahan discloses transparent telephone access system using voice authorization which suggests the following: using mobile telephony line (fig. 1, col. 3 lines 33-37); and Gainsboro discloses computer-based method and apparatus for controlling, monitoring, recording and reporting telephone access which teaches the following: if the voice recognition unit determines that voice signal does belong to the person having access authorization to the calling line then the accessing means records a voice sample at regular time intervals during the entire communication connection, the voice recognition unit determining whether the voice sample belongs to a person having access authorization to at least one calling line and called line (fig. 1, col. 7 lines 11-14, lines 37-49).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bassenyemukasa's system to provide for the following: using mobile telephony line as this arrangement would facilitate access control to the communication network

under various communication scenarios as taught by McMahan, thus enhancing the application potential of the system; and if the voice recognition unit determines that voice signal does belong to the person having access authorization to the calling line then the accessing means records a voice sample at regular time intervals during the entire communication connection, the voice recognition unit determining whether the voice sample belongs to a person having access authorization to at least one calling line and called line as this arrangement would provide means for preventing the abuse of authorization provided for telephone access as taught by Gainsboro.

Regarding claims 27-28, Bassenyemukasa teaches the following: the control unit and memory are arranged within one of the telephone system and private branch exchange, and the stored reference data record corresponds to at least one of a reference sample and a reference speech pattern of a person having access authorization to at least one of the calling line and called line, comprising an exchange (reads on 30, fig. 1), the control unit (10) and the memory (40, fig. 1) being assigned to the exchange, the reference data record of the calling line is assigned to the exchange and stored in the memory, and the control unit causes the exchange to do at least one of generate signal interrupting the communication connection and generate an alarm if voice signals cannot be matched with the stored reference data record (fig. 1, col. 2, line 23 – col. 3, line 47; col. 4 lines 51-57 and fig. 5).

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bassenyemukasa in view of Gainsboro and McMahan as applied to claim 26 above, and further in view of Cheng et al. (US PAT: 5,502,759, hereinafter Cheng).

The combination differs from claim 29 in that it does not teach the following:

Service Control Point (SCP) of an intelligent network, the control unit and the memory being assigned to the Service Control Point, the control unit causing the Service Control Point to do at least one of generate a signal interrupting the communication connection if voice samples cannot be matched with the stored reference data record.

However, Cheng discloses apparatus and accompanying methods for preventing toll fraud through use of centralized caller voice verification which teaches the following: Service Control Point (SCP) of an intelligent network, the control unit and the memory being assigned to the Service Control Point, the control unit causing the Service Control Point to do at least one of generate a signal interrupting the communication connection if voice samples cannot be matched with the stored reference data record (figs. 17-18, col. 31, line 66 – col. 32, line 17).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: Service Control Point (SCP) of an intelligent network, the control unit and the memory being assigned to the Service Control Point, the control unit causing the Service Control Point to do at least one of generate a signal interrupting the communication connection if voice samples cannot be matched with the stored reference data record as this arrangement would provide central location for storing and voice verification of authorized callers by using SS7 signaling system as taught by Cheng (col. 5 lines 49-63), thus making it economical to implement the voice verification system for communications access control.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMahan in view of Gainsboro.

Regarding claim 30, McMahan discloses a mobile terminal for telecommunications, comprising: an accessing means (16, fig. 1) for accessing a data line (reads on 20, fig. 1) via which a voice signal is transmitted in electronic form and for recording the voice signal and an entered signal, at least one memory (reads on 21, fig. 1) in which at least one reference data record is stored, the at least one reference data record being assigned to a group of persons having an access authorization, at least one control unit in (18, fig. 1) having voice recognition unit configured to access the at least one memory for at least one reference data record and analyze the recorded voice signal via a voice recognition algorithm and determine access authorization by comparing the recorded voice signal with at least one reference data record, the at least one control unit effecting at least one of initiating production of interrupt signal to interrupt the communication connection and initiating a shut-off the terminal if the recorded voice signal does not match with at least one of the at least one reference data record (col. 2 lines 10-63, and figs. 1-3, and col. 3 lines 16-37).

McMahan differs from the claimed invention in that he does not teach the following: a sampling means for recording voice samples at regular time intervals during the entire communication connection, the at least one communication unit determining whether the voice sample belongs to a person of the group of persons having access authorization.

However, Gainsboro teaches the following: a sampling means for recording voice samples at regular time intervals during the entire communication connection, the at least one

communication unit determining whether the voice sample belongs to a person of the group of persons having access authorization (fig. 1, col. 7 lines 11-14, lines 37-49).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify McMahan's system to provide for the following: a sampling means for recording voice samples at regular time intervals during the entire communication connection, the at least one communication unit determining whether the voice sample belongs to a person of the group of persons having access authorization as this arrangement would provide means for preventing the abuse the authorization provided for telephone access of communication line as taught by Gainsboro.

5. Claims 16-25 are allowed.

Response to Arguments

Rejection of new claims 26-30 is set forth above using the references Bassenyemukasa, Gainsboro, Cheng and McMahan as these references still support the rejection of claims 26-30 as set forth above.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643